

AN ACT

ENTITLED, An Act to revise the functions of the Aeronautics Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 1-44-11 be amended to read as follows:

1-44-11. The Department of Transportation shall, under the direction and control of the secretary of transportation, perform all the functions of the Aeronautics Commission except:

- (1) Advisory functions (as defined in § 1-32-1) with respect to programs associated with the commission;
- (2) Special budgetary functions (as defined in § 1-32-1) provided for by §§ 50-4-12 to 50-4-17, inclusive, 50-2-12, 50-7-10, and 50-7-15 to 50-7-19, inclusive, and chapter 50-4;
- (3) Quasi-legislative and quasi-judicial functions (as defined in § 1-32-1) provided for by chapters 50-2, 50-5, 50-9, 50-10, 50-11, 50-12, and 50-13.

Section 2. That § 1-44-12 be repealed.

Section 3. That subdivision (8) of § 50-1-1 be amended to read as follows:

- (8) "Commission" means the South Dakota Aeronautics Commission;

Section 4. That § 50-2-1.1 be amended to read as follows:

50-2-1.1. The Aeronautics Commission shall continue within the Department of Transportation, and all its functions shall be performed by the Department of Transportation as provided by § 1-44-11.

The commission shall provide advice and expertise to state agencies regarding the purchase, transfer and disposition of state owned and operated aircraft including those owned or operated by any state institution.

Section 5. That § 50-2-12 be amended to read as follows:

50-2-12. The commission shall administer the expenditure and disbursement of moneys

appropriated and available for matching purposes and for the construction, development, operation, marking and maintenance of airports, landing fields, landing strips, and air navigation facilities.

Section 6. That § 50-4-2 be amended to read as follows:

50-4-2. The commission may, on behalf of and in the name of the state, out of appropriations and other moneys made available for such purposes, construct, improve, maintain, mark and operate airports and other air navigation facilities either within or without this state and to assist financially counties, municipalities and organized townships in constructing, improving, maintaining, marking and operating airports and other air navigation facilities within or without the state. For such purposes the commission may exercise all of the powers and authority conferred upon municipal corporations by this title.

Section 7. That § 50-4-3 be amended to read as follows:

50-4-3. The commission may cooperate with the government of the United States, and any agency or department thereof, in the acquisition, construction, improvement, maintenance and operation of airports and other navigation facilities in this state.

Section 8. That § 50-4-4 be amended to read as follows:

50-4-4. The commission may accept, receive, and receipt for federal moneys and other moneys either public or private, for and on behalf of the state, counties, or municipalities, for the acquisition, construction, improvement, maintenance and operation of airports and other air navigation facilities, whether the work is to be done by the state, counties, or municipalities, or jointly, aided by grants of aid from the United States.

Section 9. That § 50-4-5 be amended to read as follows:

50-4-5. The commission may act as agent of any county or municipality of this state upon the request of the county or municipality, in accepting, receiving and receipting for such moneys in its behalf for airports or other air navigation facility purposes, and in contracting for the

acquisition, construction, improvement, maintenance, or operation of airports or other air navigation facilities, financed either in whole or in part by federal moneys. The governing body of the county or municipality may designate the commission as its agent for such purposes and to enter into an agreement with it prescribing the terms and conditions of such agency.

Section 10. That § 50-4-7 be amended to read as follows:

50-4-7. All contracts for the acquisition, construction, improvement, maintenance, and operation of airports, or other air navigation facilities made by the commission, either as the agent of this state or as the agent of any county or municipality, shall be made pursuant to the laws of this state governing the making of like contracts.

Section 11. That § 50-4-8 be amended to read as follows:

50-4-8. All moneys accepted for disbursement by the commission pursuant to §§ 50-4-3 to 50-4-7, inclusive, shall be deposited in the state treasury, and, unless otherwise prescribed by the authority from which the money is received, kept in separate funds, designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys are hereby appropriated for the purposes for which the same were made available, to be expended in accordance with said sections. The commission may, whether acting for this state or as the agent of any of its counties or municipalities, or when requested by the United States government or any agency or department thereof, disburse such moneys for the designated purposes, but this does not preclude any other authorized method of disbursement.

Section 12. That § 50-4-10 be amended to read as follows:

50-4-10. The commission may utilize the authorizations provided as the state matching share as a basis for developing its long-range planning and construction program for scheduled airline airport improvements notwithstanding the fact that no direct appropriation of such funds is made. Nothing in this section or § 50-4-9 may be construed as to bind any succeeding Legislature with

respect to the forgoing enunciation of intent.

Section 13. That § 50-4-15 be amended to read as follows:

50-4-15. The funds appropriated by § 50-4-14 may not be construed to be a limitation on moneys expendable by the commission for the purposes therein specified, notwithstanding other and further appropriations from the state general fund for said or similar purposes.

Section 14. That § 50-7-10 be amended to read as follows:

50-7-10. The governing body of any municipality or county may designate the commission as its agent to accept, receive and receipt for federal moneys in its behalf for airport purposes, and to contract for the acquisition, construction, enlargement, improvement, maintenance, equipment or operation of airports, or other air navigation facilities. The governing body may enter into an agreement with the commission prescribing the terms and conditions of such agency. The moneys paid over by the United States government shall be paid over to the municipality or county under such terms and conditions as may be imposed by the United States government in making such grant.

Section 15. That § 50-7-15 be amended to read as follows:

50-7-15. The commission may enter into cooperative agreements with the governing body of a municipality, whereby, the initial expenditures for making authorized airport improvements may be paid from any moneys that may be available to the commission and the municipality's share of such expenditure may be reimbursed to the commission over a period of three years. The reimbursements shall be paid into the special aviation internal service fund created by § 50-2-16 and used for airport improvement purposes, or shall be paid into the specific fund used to make the initial expenditures. Any municipality may enter into a cooperative financing agreement upon the adoption of a resolution authorizing the governing body to enter into such an agreement.

Section 16. That § 50-7-16 be amended to read as follows:

50-7-16. The commission shall charge a municipality simple interest on the amount of money

subject to reimbursement under § 50-7-15 from the date of the expenditure to the date of payment. The rate of interest shall be the same as the rate of interest established by the state Board of Finance on time certificates of deposit effective at the time the expenditure is made.

Section 17. That § 50-7-17 be amended to read as follows:

50-7-17. No municipality or county in this state, whether acting alone or jointly with another municipality or county or with the state, may submit to the administrator of the federal aviation administration any project application under the provisions of any act of Congress which provides airport planning, construction and development funds or other funds for the expansion and improvement of the airport system as such act shall pertain to the State of South Dakota, unless the project and the project application have been first approved by the commission. No municipality or county may directly accept, receive, receipt for, or disburse any funds granted by the United States under such act, but it shall designate the commission as its agent and in behalf to accept, receive, receipt for and disburse such funds. It shall enter into an agreement with the commission prescribing the terms and conditions of such agency in accordance with federal laws, rules and regulations and applicable laws of this state. The moneys paid over by the United States government shall be retained by the state or paid over to the municipality or county under such terms and conditions as may be imposed by the United States government making such grant.

Any agreements made between any of the parties or with the commission in accordance with the provisions of this section, and relating to airport planning, and made prior to July 1, 1972, are hereby validated.

Section 18. That § 50-7-18 be amended to read as follows:

50-7-18. The commission may in cases where federal aid funds are channeled through the commission, pursuant to the provisions of § 50-7-17, enter into contracts and agreements binding on this state with the administrator of the federal aviation administration to indemnify

the United States for federal aid money contributed to the State of South Dakota, or any county or municipality thereof, used for the purchase of land as the site of a public airport or for the construction of airport improvements thereon within this state where the title to the land is subject to mineral rights or oil and gas leases, the release or subordination of which is determined by the administrator of the federal aviation administration not to be practicable.

Section 19. That § 50-7-19 be amended to read as follows:

50-7-19. The indemnifying agreements authorized in §§ 50-7-17 and 50-7-18 are limited:

- (1) To agreements which obligate the commission, acting for and on behalf of the State of South Dakota to refund to the United States of America as represented by the administrator of the federal aviation administration, a sum equal to the full amount of federal funds contributed for the purchase of land or construction of airport improvements thereon; or at the option of the administrator, to provide and construct at state expense and without further contributions by the federal government, an airport facility equivalent to that developed with the aid of federal funds and located as near as practicable to the site of the existing facilities on land with good title satisfactory to the administrator of the federal aviation administration as prescribed by the provisions of section 9 of the Federal Airport Act (Public Law 377, 79th Congress, 2nd session as amended);
- (2) To airports which prior to January 1, 1953, have been approved for construction by both the commission and the civil aeronautics administration.

An Act to revise the functions of the Aeronautics Commission.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1030

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1030

File No. _____

Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor
=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State